

PATENT COOPERATION TREATY

From Japanese Patent Office
(INTERNATIONAL SEARCH AUTHORITY)

To: HAYASE, Kenichi HAYASE & CO. 13F, NISSAY SHIN-OSAKA Bldg., 3-4-30, Miyahara, Yodogawa-ku, Osaka-shi, Osaka 532-0003 JAPAN	<p style="text-align: center;">PCT</p> <p style="text-align: center;">WRITTEN OPINION OF THE ISA (PCT Rule 43bis)</p> <hr/> <p>Date of Mailing 07 September 2004</p>
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Applicant's or agent's file reference P35141-P0		See item 2 below for the subsequent procedure	
International application No. PCT/JP2004/011301	International filing date 30 July 2004	Priority date 31 July 2003	
International Patent Classification (IPC) or national classification and IPC Int. Cl⁷ A61B 5/15			
Applicant Matsushita Electric Industrial Co., Ltd.			

1. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Rule 43,2.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

OMISSION(2 and 3)

Date of completion of this opinion

18 August 2004

Name and mailing address of the ISA/JP Japanese Patent Office	Authorized officer Telephone No.
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I . Basis of the opinion

1. This opinion has been drawn on the basis of the language of international application, unless otherwise indicated below.

OMISSION(2, 3, and 4)

IV. Lack of unity of invention

1. **OMISSION**

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

☒ not complied with for the following reasons:

The invention according to Claims 1-34 relates to a puncture instrument including plural puncture needles, a puncture needle cartridge, and a puncture instrument set.

The invention according to Claims 35-45 relates to a puncture needle disposal instrument.

4. Consequently, the following parts of the international application were the subject of written opinion:

☒ all parts.

TRANSLATION of related part of Form PCT/ISA/237

WRITTEN OPINION OF THE ISA

International application No.
PCT/JP2004/011301

V Reasoned statement under Rule 43.2.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims 1-43	YES
	Claims NONE	NO
Inventive Step(IS)	Claims 35-43	YES
	Claims 1-34	NO
Industrial Applicability (IA)	Claims 1-43	YES
	Claims NONE	NO

2. CITATIONS AND EXPLANATIONS

Reference 1: FR 2797579 A (Rouiviere Jean Yves) 2001.02.23, whole reference, whole figures (no family)

Reference 2: US 3030959 A (Prameta Prazionsmetall-und Kunststofferzeugnisse G. Baumann & Co.) 1962.04.24, whole reference, whole figures (no family)

Reference 3: DE 1079275 A (Prameta Prazionsmetall-und Kunststofferzeugnisse G. Baumann & Co.) 1960.04.07, whole reference, whole figures (no family)

Reference 4: EP 861670 A (Wagner Wolfgang) 1998.02.01, whole reference, whole figures, & CA 2201530 A & EP 798004 A & DE 19705091 A & DE 19722852 A & DE 19722934 A & DE 19723730 A & DE 19745600 A & DE 19833868 A

Reference 5: WO 01/041642 A1 (Owen Mumford Limited) 2001.06.14, whole reference, whole figures, & JP 2003-515420 A & EP 1237481 A & US 2002-151920 A

Reference 6: CD-ROM in which the contents of specification and drawings attached to an application form of Japanese Utility Model Application No. 4-60676 (Japanese Utility Model Laid-Open Disclosure No. 6-23505) are recorded, (Apurusu K.K.) 1994.03.29, whole reference, whole figures (no family)

Reference 7: JP 2000-175889 A (Kyoto Daiichi Kagaku Corp.) 2000.06.27, whole reference, whole figures

Claims 1-34

Reference 1 cited in the International Search Report discloses a lancet which houses plural puncture needles being connected in series in its axis direction, and can perform puncturing continuously. Since it is merely a common technique to adopt a structure of a cartridge in order to enhance usability, it is obvious for those skilled in this technical field to adopt a structure in which the plural puncture needles described in Reference 1 are housed in a cartridge.

Claims 35-43

None of References 2-7 cited in the International Search Report and certain types of cited references discloses or suggests a puncture needle disposal instrument having a housing member capable of housing plural puncture needles to be discarded, and a disposal instrument return member. Further, it is not recognized that the puncture needle disposal instrument is obvious to those skilled in this technical field.

VI Certain documents cited

1. Certain published documents (Rule 43,2.1 and 70.10)

Application No. <u>Patent No.</u>	Publication date <u>(day/month/year)</u>	Filing date <u>(day/month/year)</u>	Priority date(valid claim) <u>(day/month/year)</u>
JP2004-57489 A [P, A]	26 February 2004 (26.02.2004)	29 July 2002 (29.07.2002)	

2. Non-written disclosures (Rule 43,2.1 and 70.9)

OMISSION